

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	<u>INDICTMENT</u>
)	
Plaintiff,)	CASE NO.
)	
v.)	JUDGE
)	
OSMAN E. YOUSIF (a.k.a. Osman E.)	Title 18, Sections 371, 1341, 1343, 1347
Yousis),)	and 2, United States Code
OSAMA ELTAIB ABDALLA,)	
AMIR BALA ELAMIN,)	
MUDAR A.M. ISMAIL (a.k.a. Mudar I.)	
Mohamed), RABIE ALI, and)	
ELSIDDIG H. ELFAKI,)	
)	
Defendants.)	

Count 1
(Conspiracy)

The Grand Jury charges:

1. From in or about September 2004, and continuing through the present, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendants, OSMAN E. YOUSIF (a.k.a. Osman E. Yousis), OSAMA ELTAIB ABDALLA, AMIR BALA ELAMIN, MUDAR A.M. ISMAIL (a.k.a. Mudar I. Mohamed), RABIE ALI and ELSIDDIG H. ELFAKI, together

with others known and unknown to the Grand Jury, did unlawfully, willfully, and knowingly combine, conspire, confederate, and agree with one another to commit certain offenses against the United States, that are violations of Title 18, United States Code, Sections 1341 (Mail Fraud), 1343 (Wire Fraud), 1347 (Health Care Fraud), and 2 (Aiding and Abetting).

Defendants

2. Defendant OSMAN E. YOUSIF (a.k.a. Osman E. Yousis) is the owner of ON TIME TRANSPORTATION (ON TIME), an ambulette company. His business address is 427 Fifth Street, Struthers, Ohio 44471, within the Northern District of Ohio, Eastern Division.

3. Defendant MUDAR A.M. ISMAIL (a.k.a. Mudar I. Mohamed) is the owner and director of NOBILITY EXPRESS TRANSPORTATION (NOBILITY), an ambulette company. His business address is 106 Robbins Avenue, Suite #3, Niles, Ohio, 44446, within the Northern District of Ohio, Eastern Division.

4. Defendant RABIE ALI is the owner of EZ TRANSPORTATION (EZ), an ambulette company. His business address is 106 Robbins Avenue, Suite #7, Niles, Ohio, 44446, within the Northern District of Ohio, Eastern Division.

5. Defendant OSAMA ELTAIB ABDALLA is the owner and director of ELITE EXPRESS TRANSPORTATION (ELITE), an ambulette company. His business address is 10117 Brecksville Road, Suite A1, Brecksville, Ohio 44141, within the Northern District of Ohio, Eastern Division.

6. Defendant AMIR BALA ELAMIN is the owner of NILES TRANSPORTATION (NILES), an ambulette company. His business address is 106 Robbins Avenue, Suite #4, Niles,

Ohio, 44446, within the Northern District of Ohio, Eastern Division.

7. Defendant ELSIDDIG H. ELFAKI is the owner of TOWN JET TRANSPORTATION (TOWN JET), an ambulette company. His business address is 2906 Lincoln Street, Struthers, Ohio 44471, within the Northern District of Ohio, Eastern Division.

The Medicaid Program and Ambulettes

8. Medicaid provides medical insurance coverage for the poor pursuant to the Social Security Act (42 U.S.C. §1396 et seq.). Medicaid is administered in Ohio by the Ohio Department of Job and Family Services (ODJFS). Federal funds pay for 60% of Ohio Medicaid benefits; the State of Ohio funds the remainder. Ohio Medicaid is a federal health benefit program within the meaning of 18 U.S.C. §1347.

9. Defendants are Ohio Medicaid providers pursuant to written provider agreements they all signed. Defendants agree to bill Medicaid only for ambulette transportation that complies with federal and state laws.

10. Under Ohio Administrative Code Chapter 5101, which governs ambulette transportation:

- a. An “ambulette” is a vehicle designed to transport individuals sitting in wheelchairs. It has, at minimum, permanent fasteners to secure the wheelchair to the inside of the vehicle, rider restraints, a stable access ramp or hydraulic lift, company identification on both sides or rear of the vehicle, and a ceiling-to-floor height of 56 inches.
- b. An “attending practitioner” is a licensed doctor of medicine, osteopathy or

podiatry, or an advance practice nurse, who provides ongoing care and treatment to the transported individual and can certify that the person is non-ambulatory, has medical need for ambulette transport, and for how long.

- c. A “non-ambulatory” person has a permanently or temporarily disabling condition that precludes transportation in a vehicle not modified or created for transporting such a person.
- d. Ohio Medicaid reimburses a provider for ambulette transportation only if:
 - i. the recipient’s attending practitioner certifies that it is medically necessary,
 - ii. the attending practitioner certifies that the recipient is non-ambulatory, can be transported in a wheelchair, and does not need an ambulance,
 - iii. the recipient is transported in a wheelchair,
 - iv. the vehicle used is an ambulette, and
 - v. transport is to or from a Medicaid covered service.
- e. The provider must keep documentation of compliance with conditions of reimbursement.
- f. For each transport the provider must submit an Ambulette Certification of Medical Necessity (CMN) completed, dated and signed by the Medicaid recipient’s attending practitioner. The CMN must state the medical condition that renders the recipient non-ambulatory and certify that

ambulette transport is medically necessary. The provider must obtain the CMN before claiming payment from Medicaid.

- g. If the attending practitioner certifies that the recipient is temporarily non-ambulatory, the attending practitioner must certify how long ambulette transport is necessary. The CMN is then valid for that length of time. If the period exceeds 90 days the provider must obtain a new CMN.
- h. If the attending practitioner certifies that the recipient is permanently non-ambulatory, the CMN is valid for one year from the first ambulette transport.
- i. The CMN is valid as long as the recipient remains non-ambulatory. If the provider notes a change in ambulatory status, it must obtain a new CMN from the attending practitioner. The CMN is non-transferable from one provider to another.
- j. In addition to the CMN, the provider must maintain documentation of dates of service, times and addresses of pick up and drop off, driver's and attendants' full names, recipient's full name and Medicaid number, vehicle identification, full name of Medicaid- covered service provider, and mileage.
- k. Medicaid pays providers more money per recipient for single passenger rides than it pays for rides in which multiple passengers are transported at one time.

Object of the Conspiracy

11. The object of the conspiracy was to gain personal financial benefit by submitting fraudulent billings to Medicaid for non-covered transportation services that were not legally reimbursable by Medicaid.

Manner and Means of the Conspiracy and the Scheme to Defraud

The manner and means by which the objectives of the unlawful conspiracy were accomplished consisted, among other things, of the following actions by the defendants and others:

12. During 2004, 2006 and 2007, the Defendants named in paragraphs two through seven submitted Provider Applications to the ODJFS to become Medicaid providers of ambulette transportation services in the State of Ohio.

13. It was further part of the conspiracy that the Defendants through their ambulette companies transported Medicaid recipients that did not require or use a wheelchair, although the Defendants understood that Medicaid provided reimbursement for only those recipients who required the assistance of wheelchairs and were actually transported in wheelchairs.

14. It was further part of the conspiracy that the Defendants submitted or caused to be submitted billings to Medicaid for transport services the Defendants provided to non-wheelchair bound Medicaid recipients.

Overt Acts

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Northern District of Ohio, Eastern Division, and elsewhere:

15. The Defendants created six companies that appeared on the surface to be distinct, but in fact they acted as one ambulette transportation company. All the Defendants are known associates and furthered their scheme to bill Medicaid for ambulatory recipients by sharing: billing information, business and/or residential addresses, information, transportation services, patient lists, and money.

16. In March 2005, OSMAN E. YOUSIF (a.k.a. Osman E. Yousis) (ON TIME) obtained a Trading Partner number from ODJFS that authorized ON TIME to submit claims on behalf of other ambulette providers. ON TIME, ELITE, NILES, NOBILITY and EZ all submitted forms authorizing claims to be billed through ON TIME.

17. During May 2005, ON TIME filed form 835 (Remittance Advise) with ODJFS allowing ON TIME TRANSPORTATION to submit electronic claim forms for ON TIME TRANSPORTATION.

18. During May 2007, Defendant MUDAR A.M. ISMAIL (a.k.a. Mudar I. Mohamed) submitted form 06306 to ODJFS, establishing a Trading Partner relationship with ON TIME TRANSPORTATION. This form authorized ODJFS to transmit remittance advice data for NOBILITY through ON TIME TRANSPORTATION.

19. During July 2007, Defendant RABIE ALI submitted form 06306 to ODJFS, establishing a Trading Partner relationship with ON TIME TRANSPORTATION. This form

authorized ODJFS to transmit remittance advice data for EZ through ON TIME TRANSPORTATION.

20. During March 2007, Defendant OSAMA ELTAIB ABDALLA submitted form 06306 to ODJFS, establishing a Trading Partner relationship with ON TIME TRANSPORTATION. This form authorized ODJFS to transmit remittance advice data for ELITE through ON TIME TRANSPORTATION.

21. During March 2007, Defendant AMIR BALA ELAMIN submitted form 06306 to ODJFS, establishing a Trading Partner relationship with ON TIME TRANSPORTATION. This form authorized ODJFS to transmit remittance advice data for NILES through ON TIME TRANSPORTATION.

22. The Defendants attempted to conceal their activities by having one company bill for transportation services provided by another company.

23. The Defendants shared, or rotated, the use of Medicaid recipients to create the impression that the beneficiary was receiving ambulette transportation from different providers. Medicaid beneficiary J.S. received ambulette transportation from TOWN JET during December 2006, from ON TIME during January 2007, from TOWN JET during February and March 2007, from ON TIME and NILES during April 2007, from NILES and TOWN JET during May 2007, from NILES during June 2007, from NILES and EZ during July 2007, from NILES, NOBILITY and EZ during August 2007 and from NILES during September 2007.

24. The Defendants would bill Medicaid in such a manner as to keep the amount of reimbursement from ODJFS at a level that would not draw attention. During July 2006 through February 2007 ON TIME and TOWN JET billed for the same twenty recipients on a rotating

basis. During March 2007, the Medicaid billings from ON TIME and TOWN JET decreased for the same twenty recipients and NILES, NOBILITY and EZ began transporting the recipients in place of ON TIME and TOWN JET.

25. During the time period September 2004, to the present, ON TIME submitted claims to ODJFS for the transportation of ambulatory Medicaid recipients and claimed payments from Medicaid in the approximate amount of \$323,443.92.

26. During the time period April 2007, to the present, NOBILITY submitted claims to ODJFS for the transportation of ambulatory Medicaid recipients and claimed payments from Medicaid in the approximate amount of \$147,149.90.

27. During the time period September 2006, to the present, ELITE submitted claims to ODJFS for the transportation of ambulatory Medicaid recipients and claimed payments from Medicaid in the approximate amount of \$2,487.48.

28. During the time period March 2007, to the present, NILES submitted claims to ODJFS for the transportation of ambulatory Medicaid recipients and claimed payments from Medicaid in the approximate amount of \$342,575.13.

29. During the time period September 2006, to the present, TOWN JET submitted claims to ODJFS for the transportation of ambulatory Medicaid recipients and claimed payments from Medicaid in the approximate amount of \$114,854.56.

30. During the time period June 2007, to the present, EZ submitted claims to ODJFS for the transportation of ambulatory Medicaid recipients and claimed payments from Medicaid in the approximate amount of \$46,704.89.

All in violation of Title 18, United States Code, Section 371.

Counts 2-5
(Wire Fraud - OSMAN E. YOUSIF (a.k.a. Osman E. Yousis))

The Grand Jury further charges:

31. The government realleges and incorporates by reference the allegations set forth in paragraphs 2, 8-14, and 25 of Count 1 of the indictment, as if fully set forth herein.

32. On or about the dates listed below, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant OSMAN E. YOUSIF (a.k.a. Osman E. Yousis) did devise and intend to devise a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses, representations or promises, as set forth in paragraphs 2, 8-14, and 25 above, and did cause to be transmitted by means of wire communication in interstate commerce any writing, sign, signal, and picture for the purpose of executing such scheme and artifice, as described below.

Count	Date	Amount Paid	Medicaid Recipient	Wired From	Wired To:
2	12/6/2006	\$9,810.75	D.C.	Ohio Auditor	On-Time
3	12/13/2006	\$12,076.26	E.S.	Ohio Auditor	On-Time
4	12/13/2006	\$12,076.26	S.F.	Ohio Auditor	On-Time
5	5/23/2007	\$7,038.09	D.B.	Ohio Auditor	On-Time

All in violation of Title 18, United States Code, Sections 1343 and 2.

Counts 6-9
(Health Care Fraud - OSMAN E. YOUSIF (a.k.a. Osman E. Yousis))

The Grand Jury further charges:

33. The government realleges and incorporates by reference the allegations set forth in paragraphs 2, 8-14, and 25 of Count 1 of the indictment, as if fully set forth herein.

34. From in or about September 27, 2004, through in or about the present, in the

Northern District of Ohio, Eastern Division, and elsewhere, Defendant OSMAN E. YOUSIF (a.k.a. Osman E. Yousis) knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud the Medicaid health care benefit program, and to obtain, by means of the false and fraudulent pretenses, representations and promises described herein, money and property owned by, and under the custody and control of, a health care benefit program, including but not limited to Ohio Medicaid, in connection with the delivery of or payment for health care benefits, items and services.

35. On or after the dates listed below, in the Northern District of Ohio and elsewhere, the defendant, having knowingly and willfully executed and attempted to execute the scheme and artifice to defraud the Ohio Medicaid program described above, and to obtain, by means of the false and fraudulent pretenses, representations and promises described above, did so execute and attempt to execute the scheme by submitting the claims for reimbursement set forth below, all for the purpose of executing said scheme and artifice:

Count	Date of Claim	Amount of Claim	Health Care Benefit Program / Beneficiary
6	11/28/2006	\$71.38	Medicaid / D.C.
7	12/4/2006	\$72.06	Medicaid / E.S.
8	12/4/2006	\$67.98	Medicaid / S.F.
9	5/15/2007	\$67.30	Medicaid / D.B.

All in violation of Title 18, United States Code, Sections 1347 and 2.

Count 10

(Mail Fraud - MUDAR A.M. ISMAIL (a.k.a. Mudar I. Mohamed))

The Grand Jury further charges:

36. The allegations of paragraphs 3, 8-14, and 26 of Count 1 of the indictment are realleged and incorporated by reference herein.

37. On or about the dates listed below, in the Northern District of Ohio and elsewhere, Defendant MUDAR A.M. ISMAIL (a.k.a. Mudar I. Mohamed) , having devised and intending to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, as described above, did knowingly cause to be delivered by U.S. mail certain matters and things described below, consisting of checks mailed to Defendant MUDAR A.M. ISMAIL (a.k.a. Mudar I. Mohamed) at 106 Robbins Avenue, Suite #3, Niles, Ohio, 44446, in payment for transportation of Medicaid recipients or beneficiaries of a federal health care program, all for the purpose of executing the scheme and artifice described above:

Count	Date	Amount Paid	Medicaid Recipient	Mailed From	Mailed To:
10	5/16/2007	\$1,775.49	D.C.	Ohio Auditor	Nobility Express

All in violation of Title 18, United States Code, Sections 1341 and 2.

Counts 11-12

(Health Care Fraud - MUDAR A.M. ISMAIL (a.k.a. Mudar I. Mohamed))

The Grand Jury further charges:

38. The government realleges and incorporates by reference the allegations set forth in paragraphs 3, 8-14, and 26 of Count 1 of the indictment, as if fully set forth herein.

39. From in or about April 3, 2007, through in or about the present, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant MUDAR A.M. ISMAIL (a.k.a. Mudar I. Mohamed) knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud the Medicaid health care benefit program, and to obtain, by means of the false and fraudulent pretenses, representations and promises described herein, money and property

owned by, and under the custody and control of, a health care benefit program, including but not limited to Ohio Medicaid, in connection with the delivery of or payment for health care benefits, items and services.

40. On or after the dates listed below, in the Northern District of Ohio and elsewhere, the defendant, having knowingly and willfully executed and attempted to execute the scheme and artifice to defraud the Ohio Medicaid program described above, and to obtain, by means of the false and fraudulent pretenses, representations and promises described above, did so execute and attempt to execute the scheme by submitting the claims for reimbursement set forth below, all for the purpose of executing said scheme and artifice:

Count	Date of Claim	Amount of Claim	Health Care Benefit Program / Beneficiary
11	9/12/2007	\$73.42	Medicaid / D.C.
12	9/12/2007	\$69.33	Medicaid / S.F.

All in violation of Title 18, United States Code, Sections 1347 and 2.

Counts 13-14
(Health Care Fraud - RABIE ALI)

The Grand Jury further charges:

41. The government realleges and incorporates by reference the allegations set forth in paragraphs 4, 8-14, and 30 of Count 1 of the indictment, as if fully set forth herein.

42. From in or about June 29, 2007, through in or about the present, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant RABIE ALI knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud the Medicaid health care benefit program, and to obtain, by means of the false and fraudulent pretenses, representations and promises described herein, money and property owned by, and under the

custody and control of, a health care benefit program, including but not limited to Ohio Medicaid, in connection with the delivery of or payment for health care benefits, items and services.

43. On or after the dates listed below, in the Northern District of Ohio and elsewhere, the defendant, having knowingly and willfully executed and attempted to execute the scheme and artifice to defraud the Ohio Medicaid program described above, and to obtain, by means of the false and fraudulent pretenses, representations and promises described above, did so execute and attempt to execute the scheme by submitting the claims for reimbursement set forth below, all for the purpose of executing said scheme and artifice:

Count	Date of Claim	Amount of Claim	Health Care Benefit Program / Beneficiary
13	9/19/2007	\$85.66	Medicaid / P.B.
14	9/4/2007	\$85.66	Medicaid / P.B.

All in violation of Title 18, United States Code, Sections 1347 and 2.

Count 15

(Mail Fraud - OSAMA ELTAIB ABDALLA)

The Grand Jury further charges:

44. The allegations of paragraphs 5, 8-14, and 27 of Count 1 of the indictment are realleged and incorporated by reference herein.

45. On or about the dates listed below, in the Northern District of Ohio and elsewhere, Defendant OSAMA ELTAIB ABDALLA, having devised and intending to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, as described above, did knowingly cause to be delivered by U.S. mail certain matters and things described below, consisting of checks

mailed to Defendant OSAMA ELTAIB ABDALLA at 10117 Brecksville Road, Suite A1, Brecksville, Ohio 44141, in payment for transportation of Medicaid recipients or beneficiaries of a federal health care program, all for the purpose of executing the scheme and artifice described above:

Count	Date	Amount Paid	Medicaid Recipient	Mailed From	Mailed To:
15	4/11/2007	\$821.88	D.I.	Ohio Auditor	Elite Express

All in violation of Title 18, United States Code, Sections 1341 and 2.

Counts 16-17
(Health Care Fraud - OSAMA ELTAIB ABDALLA)

The Grand Jury further charges:

46. The government realleges and incorporates by reference the allegations set forth in paragraphs 5, 8-14, and 27 of Count 1 of the indictment, as if fully set forth herein.

47. From in or about September 29, 2006, through in or about the present, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant OSAMA E. ABDALLA knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud the Medicaid health care benefit program, and to obtain, by means of the false and fraudulent pretenses, representations and promises described herein, money and property owned by, and under the custody and control of, a health care benefit program, including but not limited to Ohio Medicaid, in connection with the delivery of or payment for health care benefits, items and services.

48. On or after the dates listed below, in the Northern District of Ohio and elsewhere, the defendant, having knowingly and willfully executed and attempted to execute the scheme

and artifice to defraud the Ohio Medicaid program described above, and to obtain, by means of the false and fraudulent pretenses, representations and promises described above, did so execute and attempt to execute the scheme by submitting the claims for reimbursement set forth below, all for the purpose of executing said scheme and artifice:

Count	Date of Claim	Amount of Claim	Health Care Benefit Program / Beneficiary
16	7/2/2007	\$208.38	Medicaid / E.C.
17	7/2/2007	\$208.38	Medicaid / E.C.

All in violation of Title 18, United States Code, Sections 1347 and 2.

Counts 18-19
(Health Care Fraud - AMIR BALA ELAMIN)

The Grand Jury further charges:

49. The government realleges and incorporates by reference the allegations set forth in paragraphs 6, 8-14, and 28 of Count 1 of the indictment, as if fully set forth herein.

50. From in or about March 27, 2007, through in or about the present, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant AMIR BALA ELAMIN knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud the Medicaid health care benefit program, and to obtain, by means of the false and fraudulent pretenses, representations and promises described herein, money and property owned by, and under the custody and control of, a health care benefit program, including but not limited to Ohio Medicaid, in connection with the delivery of or payment for health care benefits, items and services.

51. On or after the dates listed below, in the Northern District of Ohio and elsewhere, the defendant, having knowingly and willfully executed and attempted to execute the scheme

and artifice to defraud the Ohio Medicaid program described above, and to obtain, by means of the false and fraudulent pretenses, representations and promises described above, did so execute and attempt to execute the scheme by submitting the claims for reimbursement set forth below, all for the purpose of executing said scheme and artifice:

Count	Date of Claim	Amount of Claim	Health Care Benefit Program / Beneficiary
18	9/19/2007	\$69.34	Medicaid / D.B.
19	7/16/2007	\$153.64	Medicaid / C.T.

All in violation of Title 18, United States Code, Sections 1347 and 2.

Counts 20-22
(Health Care Fraud - ELSIDDIG H. ELFAKI)

The Grand Jury further charges:

52. The government realleges and incorporates by reference the allegations set forth in paragraphs 7, 8-14, and 29 of Count 1 of the indictment, as if fully set forth herein.

53. From in or about September 18, 2006, through in or about the present, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant ELSIDDIG H. ELFAKI knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud the Medicaid health care benefit program, and to obtain, by means of the false and fraudulent pretenses, representations and promises described herein, money and property owned by, and under the custody and control of, a health care benefit program, including but not limited to Ohio Medicaid, in connection with the delivery of or payment for health care benefits, items and services.

54. On or after the dates listed below, in the Northern District of Ohio and elsewhere, the defendant, having knowingly and willfully executed and attempted to execute the scheme

and artifice to defraud the Ohio Medicaid program described above, and to obtain, by means of the false and fraudulent pretenses, representations and promises described above, did so execute and attempt to execute the scheme by submitting the claims for reimbursement set forth below, all for the purpose of executing said scheme and artifice:

Count	Date of Claim	Amount of Claim	Health Care Benefit Program / Beneficiary
20	7/3/2007	\$87.38	Medicaid / D.C.
21	3/13/2007	\$70.70	Medicaid / E.S.
22	11/29/2006	\$67.98	Medicaid / S.F.

All in violation of Title 18, United States Code, Sections 1347 and 2.

A TRUE BILL.

Original document -- Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.

United States v. OSMAN E. YOUSIF (a.k.a. Osman E. Yousis), et al.

A TRUE BILL.

FOREPERSON

WILLIAM J. EDWARDS
ACTING UNITED STATES ATTORNEY